

REMARKS

Telephone Interview

A telephone interview was conducted on Wednesday, February 20, 2008 by Examiner John K. Fristoe, Jr. and Applicant's attorney, Ken Smith. The rejection of claim 60 was discussed. Ken Smith asserted that the statement regarding product-by-process claims in the Office Action does not apply to claim 60, because claim 60 is a method claim. Ken Smith further asserted that since the product-by-process statement does not apply to method claims, Prima Facie obviousness of claim 60 has not been established. Examiner Fristoe indicated that he agreed with this argument.

Ken Smith also asked whether reciting that the protrusion(s) penetrate into valve body would be considered by the Examiner to be a product-by-process limitation. Examiner Fristoe indicated that reciting the protrusion(s) penetrate into the valve body would not be considered to be a product-by-process limitation. Examiner Fristoe also indicated that claims that recite protrusions that penetrate into the valve body define over the Nakata reference.

Claim Status

By this response, claims 1 and 27 are amended, claim 64 is canceled, and new claims 74-77 are added. Claims 1-22, 26-34, 60-64, and 74-77 are pending.

Priority Date of the Present Application v. Publication Date of the Nakata et al. Reference

Applicant notes that the present application is a National Stage entry of PCT International Application Number PCT/US2004/011302 (herein "the '302 PCT application") filed on April 13, 2004, which claims priority from Provisional patent application serial No. 60/320,105 (herein "the '105 Provisional application") filed on **April 14, 2003**. The first paragraph of the present application includes a priority claim to the PCT and provisional applications (See preliminary amendment dated 9/29/2005). The publication date of Nakata et al. (2003/0025099) is **February 6, 2003**, less than one year before the filing date of the '105 provisional application. As a result, the Nakata et al reference is not 102(b) prior art to any claim of the present application that is supported by the '105 provisional application. Applicant respectfully submits that at least claims 1-7, 11-15, 17-22, 27-29, 31, 34, 60-62, and 74-77 are entitled to the benefit of the '105 provisional application filing date. Applicant reserves the right to swear behind the Nakata et al. reference.

Claim Objections

Claim 4 has been amended to rephrase the second instance of “valve” with “valve seat” as suggested by the Office Action.

Claim Rejections - 35 U.S.C. §112

Claims 11 and 12 have been amended to provide antecedent basis for the recited “metal valve seat.”

Claim Rejections - 35 U.S.C. §§102 and 103

Claim 1 is patentable over the applied references, because claim 1 recites features that are not shown or suggested by the applied references. For example, claim 1 recites a valve seat that includes one or more protrusions that penetrate a portion of the valve body to secure the valve seat to the valve body. Claim 1 is in condition for allowance.

Claims 2-16 and new claims 74 and 75 depend from claim 1 and are allowable for at least the reasons claim 1 is allowable.

Claim 17 is patentable over the applied references, because claim 17 recites features that are not shown or suggested by the applied references. For example, claim 17 recites that an outer circumferential surface of a valve seat includes one or more protrusions that a portion of the valve body is deformed around to secure the valve seat to the valve body. Claim 17 is in condition for allowance.

Claims 18-22, 26 and 76 depend from claim 17 and are allowable for at least the reasons that claim 17 is allowable.

Claim 27 is patentable over the applied references. Because claim 27 recites features that are not disclosed or suggested by the references. For example, claim 27 recites one or more valve seat protrusions that are configured to penetrate a portion of a valve body to secure and seal the valve seat to the valve body. Claim 27 is in condition for allowance.

Claims 28-34 depend from claim 27 and are allowable for at least the reasons claim 27 is allowable.

Applicant respectfully submits that Prima Facie obviousness of claim 60 has not been established as explained in the Telephone Interview section above and are in condition for allowance. Claims 61-63 and 77 depend from claim 60 and are also in condition for allowance.

The application as amended is believed to be in condition for allowance and favorable reconsideration as requested.

Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all such other fees incurred as a result of entering this amendment and response to deposit account number 03-0172, order number 22188/07058.

Respectfully submitted,



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